

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Introduced

House Bill 4028

BY DELEGATE J. KELLY

[Introduced January 08, 2020; Referred to the
Committee on the Judiciary]

1 A BILL to amend and reenact §16-5B-2 of the Code of West Virginia, 1931, as amended, relating
2 to licensure of hospitals.

Be it enacted by the Legislature of West Virginia:

ARTICLE 5B. HOSPITALS AND SIMILAR INSTITUTIONS.

§16-5B-2. Hospitals and institutions to obtain license; qualifications of applicant.

1 No person, partnership, association, corporation or any local governmental unit or any
2 division, department, board or agency thereof may continue to operate an existing ambulatory
3 health care facility, ambulatory surgical facility, hospital or extended care facility operated in
4 connection with a hospital, or open an ambulatory health care facility, ambulatory surgical facility,
5 a hospital or extended care facility operated in connection with a hospital, unless such operation
6 shall have been approved and regularly licensed by the state as hereinafter provided. Licenses
7 shall be issued for a particular number by type of beds and/or type of services. Any change in the
8 number by type of bed and/or type of services shall require the issuance of a new license.

9 No person, partnership, association, corporation or any local government unit or any
10 division, department, board, or agency thereof may have financial interest in an insurance
11 company or chain pharmacy.

12 No person, partnership, association, corporation or any local government unit or any
13 division, department, board, or agency thereof may purchase a medical corporation.

14 Before a license shall be issued under this article, the person applying, if an individual,
15 shall submit evidence satisfactory to the state department of health that he or she is not less than
16 eighteen years of age, of reputable and responsible character and otherwise qualified. In the
17 event the applicant is an association, corporation or governmental unit, like evidence shall be
18 submitted as to the members thereof and the persons in charge.

19 Every applicant shall, in addition, submit satisfactory evidence of his or her ability to
20 comply with the minimum standards and with all rules and regulations lawfully promulgated. Every
21 applicant shall further submit satisfactory evidence that he or she has implemented the paternity

22 program created pursuant to §16-5B-13 of this code.

NOTE: The purpose of this bill is to prohibit a hospital from having certain financial interests.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.